IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 31304 of 2006(B)

PETITIONER:

SETHUMADHAVAN, AGED 44,
S/O.PADMINI, PARNGATTIL HOUSE,
PARALIKADU P.O., WADAKKANCHERY,
THRISSUR DISTRICT.

BY ADV. SRI.G.SREEKUMAR (CHELUR).

RESPONDENTS:
----

1. **THE SUB INSEPCTOR OF POLICE,**
   WADAKKANCHERRY POLICE STATION,
   WADAKKANCHERY P.O., THRISSUR DISTRICT.

2. **THE SUPERINTENDENT OF POLICE,**
   THRISSUR, HAVING OFFICE AT COLLECTORATE,
   AYYANTHOLE, THRISSUR DISTRICT.

3. **THE SECRETARY, C.I.T.U. HEAD LOAD**
   AND GENERAL WORKERS UNION, KURANCHERI UNIT,
   MINALUR P.O., KURANCHERY, WADAKKANCHERY,
   THRISSUR DISTRICT.

4. **MR.K.M. MOIDU, AREA SECRETARY,**
   C.I.T.U. HEAD LOAD AND GENERAL WORKERS
   UNION, MINALUR P.O., WADAKKANCHERY,
   THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO FOR R3 & R4,
GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.31304/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORIGINAL DEED UNDER WHICH THE PETITIONER AND OTHERS DERIVED TITLE TO THE PROPERTY AS DOCUMENT NO. 760/77 OF THE WADAKKANCHERY SUB REGISTRY DTD. 11/05/77.

EXT.P.2: COPY OF THE NON CITIZENS WORK PERMIT NO. 4336/05 ISSUED BY THE REPUBLIC OF BOTSWANA DTD. NIL.

EXT.P.3: COPY OF THE COMPLAINT BEFORE THE R.1. DTD. 21/11/06.

EXT.P.4: COPY OF THE RECEIPT ISSUED BY THE R.1. DTD. 21/11/06.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No. 31304 of 2006-B

Dated 13th August, 2007

JUDGMENT

Balakrishnan Nair, J.

The petitioner is constructing a house for his personal use. For that he is bringing materials like cement, steel, bricks, metal etc. He says, most of them are brought in tipper lorries and therefore, there is no unloading work for the same. The remaining work is done by him and his family members, it is submitted. But, the supporters of respondents 3 and 4 are causing obstruction. Therefore, after moving the police for protection and on finding that the police is not stretching a helping hand, this writ petition is filed, seeking police protection to do the unloading work.

2. The respondents 3 and 4 have filed a counter affidavit, in which it is submitted that the area where the petitioner's property is situated is covered by the scheme. Though, they do not have any claim in respect of the materials brought in tipper lorries, in relation to other loads, the registered headload workers under the scheme have a right to do the loading and unloading work. They also pointed out that other

workers cannot be permitted to do the loading and unloading work in that area.

3. For unloading the materials which are not brought using tipper lorries, the petitioner may move the local committee of the headload workers, if the area is covered by the scheme. In that event, if workmen are sent by the local committee, the petitioner shall engage them. If it is not an area covered by the scheme, the petitioner will be free to unload the materials using his workmen. If the members of respondents 3 and 4 are causing any obstruction, when the petitioner acts according to the above direction, he can move the police. In that event the 1st respondent shall extend adequate protection to him.

The Writ Petition is disposed of as above.

K. BALAKRISHNAN NAIR,JUDGE

HARUN-UL-RASHID, JUDGE.

nm.